



3738\$
18/55
Attorney Docket No. 56876 (45579) 2-404

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS K. Oster et al. **EXAMINER:** Miller, Cheryl L.
U.S.S.N.: 10/057,112 **GROUP:** 3738
FILED (U.S.): January 25, 2002 **Conf. No.** 1887
FOR: **IN VITRO REPAIR OF BONE AND/OR CARTILAGE DEFECTS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate of Express Mailing

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service, in an envelope with sufficient postage as First Class Mail addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 21, 2004.

By: Rachelle Chery
Rachelle Chery

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an Amendment to the Non-Final Office Action mailed on July 25, 2003.

01/28/2004 HGUTEMA1 00000050 10057112

01 FC:1253 475.00 0P
02 FC:1806 180.00 0P

RECEIVED
FEB 02 2004
TECHNOLOGY CENTER R3700

STATUS

a small entity.

EXTENSION OF TERM

NOTE: *"Extension of Time in Patent Cases (Supplement Amendments) — If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.*

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: *See 37 C.F.R. § 1.645 for extensions of time in interference proceedings, and 37 C.F.R. § 1.550(c) for extensions of time in reexamination proceedings.*

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(complete (a) or (b), as applicable)

(a) [] Applicant petitions for an extension of time under 37 C.F.R. § 1.136 (fees: 37 C.F.R. § 1.17(a)(1)-(4)) for the total number of months checked below:

	Extension <u>(months)</u>	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input type="checkbox"/>	two months	\$ 410.00	\$ 205.00
<input checked="" type="checkbox"/>	three months	\$ 950.00	\$ 475.00
<input type="checkbox"/>	four months	\$1,450.00	\$ 725.00

Fee: \$ 475.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

[] An extension for _____ months has already been secured. The fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

OR

(b) [] Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

[Col. 1] Small Entity	[Col. 2]	[Col. 3] Small Entity	Other Than a
Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate
Total	Minus	= 0	x \$ 9 \$ =
Indep.	Minus	= 0	x \$42 \$ =
[] First Presentation of Multiple Dependent Claim		+\$140 =	+\$280 = \$
		Total Addit. Fee: \$0.00	Total Addit. Fee \$0.00

- * If the entry in Col. 1 is less than the entry in Col. 2, write "O" in Col. 3,
- ** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".
- *** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: *"After final rejection or action (§ 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 C.F.R. § 1.116(a) (emphasis added).*

(complete (c) or (d), as applicable)

(c) No additional fee for claims is required.

OR

(d) Total additional fee for claims required

FEE PAYMENT

5. Attached is a check in the sum of \$ 655.00 to cover fee for extension of time (\$ 475.00) and fee under Rule 1.17(p) (\$180.00), for filing of IDS attached herewith.

Charge Account No. 04-1105 the sum of \$

FEE DEFICIENCY

NOTE: *If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

6. If any additional extension and/or fee is required, charge Account No. 04-1105.

Respectfully submitted,

Date: January 21, 2004

By: Dianne Rees
Dianne M. Rees, Ph.D.
Registration No. 45,281
EDWARDS & ANGELL, LLP
Intellectual Property Group
PO Box 9169
Boston, MA 02209
Telephone: 617-439-4444
Fax: 617-439-4170

Customer No: 21,874

BOS2_428675.1